IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 27197 of 2007(K)

AGAINST THE ORDER IN OS.161/2005,OS.60/2005 IN OS.165/2004 of SUB COURT, SULTHAN BATHERY

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PETITIONER:

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1. M.G.THOMAS,S/O.GEEVARGHESE,
   RESIDING AT NAGARAM AMSOM,KOZHIKODE.

2. MRS. SARAMMA THOMAS,
   W/O.M.G.THOMAS,RESIDING AT
   NAGARAM AMSOM,KOZHIKODE.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS:

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1. CHERKOTTU RAJAN THOMAS,
   S/O. C.M.THOMAS, EMILY,
   KLPETTA NORTH POST,
   KALPETTA, VYTHIRI TALUK,
   WAYANAD DISTRICT.

2. SANJU.J.,S/O.C.N.JOSEPH,
   CHORKOTTU HOUSE,ARAKKUZHA POST,
   MUVATTUPUZHA TALUK,ERNAKULAM DIST.

3. STATE OF KERALA, REP. BY THE
   DISTRICT COLLECTOR, WAYANAD.

4. THE ASSISTANT EXCISE COMMISSIONER
   MUTTIL, WAYANAD.

BY GOVERNMENT PLEADER SUDHA, FOR R3 AND R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISNAN, J.

W.P.(C). 27197/2007

Dated this 12th day of September, 2007

JUDGMENT

This writ petition is filed seeking for a direction to the Subordinate Judge, Sulthan Bathery, to dispose of O.S.165/2004, O.S.161/2005 and O.S.60/2005 within a time frame. The learned counsel for the writ petitioners would submit that there is a delay of disposal of this case. I am not prepared to agree with such an argument because considering the longevity of a civil litigation one cannot hold it so. But at the same time if pre-trial steps are taken and there is sufficient time taking into consideration the urgency expressed by the party it is always desirable to dispose it of as expeditiously as possible.

Therefore, the writ petition is disposed of directing the Subordinate Judge, Sulthan Bathery, to dispose of O.S.Nos.165/2004, O.S.161/2005 and O.S.60/2005 as expeditiously as possible. Just because I do not fix a time frame, the Court shall not unnecessarily protract or adjourn the trial of the case.

M.N.KRISHNAN,
JUDGE

mrcs